APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,650	10/30/2000	T. Paul Gaske	PD-990272	7749

20991   7590   10/04/2004

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PATENT DOCKET ADMINISTRATION RE/R11/A109
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EXAMINER
ARANI, TAGHI T

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td colspan="2">Application No.</td><td>Applicant(s)</td></tr>
<tr><td colspan="2">09/699,650</td><td>GASKE ET AL.</td></tr>
<tr><td></td><td>Examiner</td><td colspan="2">Art Unit</td></tr>
<tr><td></td><td>Taghi T. Arani, Ph.D.</td><td colspan="2">2131</td></tr>
</table>

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>13 July 2004</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-29</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-29</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/22/04</u>.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Status of Claims

Claims 1-29 are pending in this office action.

Claim Rejections - 35 USC § 102

Claims 1-6, 10, 13-18 are rejected under 35 U.S.C. 102(a/e) as being anticipated by U.S. Patent No. 5,933,500 to Blatter et al. (prior art of record).

Referring to claim 1, Blatter et al. teach an apparatus for performing background caching of encrypted programming for later playback, comprising:

• a memory operatively connected to a bus for storing received, encrypted digital data packets of at least one pay-per-view (PPV) event [column 3, lines 26-28];

• a processor [DES decryption unit 50] for decrypting the data packets when they are transferred by said memory via said bus [figure 4, steps 515 and 520 and column 13, lines 59-61].

• a decoder for decoding said decrypted data packets for display on a display device [figure 1, AUDIO DECODER 80, VIDEO DECODER 85], and

• wherein the apparatus searches and caches data packets of said at least one PPV event without user intervention [see col. 4, lines 47-67, col. 1, lines 53-63, col. 4, lines 25-43, Blatter et al.'s user can program the receiver to receive and store a program for viewing at a later time, thus not intervening the searching and caching of data packets, thus Blatter does teach the functions of searching and caching performed by a PPV without user intervention] when in a power-down mode, and plays back a recorded PPV event in a power-up mode upon selection by a user [figure 2, Step 210].

Referring to claim 2, Blatter et al. teach the apparatus according to claim 1, further comprising a recording device for digitally recording said encrypted digital data packets, and for transmitting said digitally recorded data packets to said memory [figure 1, STORAGE DEVICE 90].

Referring to claim 3, Blatter et al. teach the apparatus according to claim 2, wherein the recording device includes at least one mass storage device [figure 1, STORAGE MEDIUM 105].

Referring to claim 4, Blatter et al. teach the apparatus according to claim 3, wherein said mass storage device is at least one of a hard disc drive, magnetic storage device or optical storage medium [figure 1, STORAGE MEDIUM 105].

Referring to claim 5, Blatter et al. teach the apparatus according to claim 2, wherein said processor is a transport processor operatively connected to said bus and to an input port for receiving said encrypted digital data packets from said input port [figure 1, TRANSPORT SYSTEM 25].

Referring to claim 10, Blatter et al. teach the apparatus according to claim 5, wherein the transport processor provides an additional layer of conditional access for the encrypted digital data packets [column 9, lines 54-61].

Referring to claim 11, Blatter Eat al. teach the apparatus according to claim 1, wherein the data packets are time stamped upon reception [column 7, lines 19-23].

Referring to claim 12, Blatter et al. teach the apparatus according to claim 5,

• wherein the data packets are time-stamped upon reception [column 7, lines 19-23], and

• wherein the decoder and transport processor utilize the recorded time stamps to

recreate the original

transmission timing of the encrypted digital data packets, only when the user selects a

recorded PPV event for playback [column 7, lines 25-32].

Referring to claim 13, Blatter et al. teach the apparatus according to claim 1,

wherein the memory stores encrypted digital data of a plurality of PPV events in

repetition while the apparatus is in the power-down mode, and wherein the user only pays

for those recorded PPV events that are selected for playback in the power-up mode

[column 14, lines 30-35].

Referring to claim 14, Blatter et al. teach the apparatus according to claim 2,

wherein said recording device is an external storage medium [figure 1, STORAGE

DEVICE 90].

Referring to claim 15, Blatter et al. teach the apparatus according to claim 5,

wherein the transport processor decrypts said encrypted digital data packets of the

User-selected PPV event, and sends the decrypted data packets to said decoder via said

interface [figure 1, DES DECRYPTION 50 and column 3, lines 33-43, column 4, lines

49-53].

Referring to claim 16, Blatter et al. teach the apparatus according to claim 15,

wherein said decoder includes an MPEG AN decoder for decoding the video portion of

said decrypted digital data packets, and an AC-3JMPEG audio decoder for decoding the

audio portion of said decrypted digital data packets [figure 1, AUDIO DECODER 80,

VIDEO DECODER 85].

Referring to claim 17, Blatter et al. teach the apparatus of claim 16, further comprising a video encoder that converts the received video portion of the decrypted digital data packets to analog for display [column 3, lines 33-35].

Referring to claim 18, Blatter et al. teach the apparatus of claim 1, wherein the apparatus is configured as a set top box (STB) equipped with a digital video recorder [figure 1].

Referring to claim 19, Blatter et al. teach a method for background caching encrypted programming for later playback in a digital video recording (DVR) system, comprising:

• storing received, encrypted digital data packets of at least one pay-per-view (PPV) event in a memory [column 3, lines 26-28];

• time-stamping the received data packets upon reception [column 7, lines 19-23];

• decrypting the data packets when they are transferred by said memory via a bus [figure 4, steps 515 and 520 and column 13, lines 59-61]; and

• decoding said decrypted data packets for display on a display device [figure 1, AUDIO DECODER 80, VIDEO DECODER 85],

• wherein said at least one PPV event is searched for, and its corresponding data packets are cached without user intervention [see col. 4, lines 47-67, col. 1, lines 53-63, col. 4, lines 25-43, Blatter et al.'s user can program the receiver to receive and store a program for viewing at a later time, thus not intervening the searching and caching of data packets, thus Blatter does teach the functions of searching and caching performed by a PPV without user intervention], when the DVR system is in a power-down mode [figure 2, Step 210], and

• wherein a selected PPV event is played back when the DVR system is in a

power-up mode, upon selection by a user [column 13, lines 5-9].

Referring to claim 20, Blatter et al. teach the method according to claim 19,

wherein said step of storing is repeated for a plurality of PPV events when the DVR

system is in said power-down mode (column 3, line 26].

Referring to claim 21, Blatter et al. teach the method according to claim 20,

wherein the user only pays for those cached PPV events that are selected for playback in

the power-up mode [column 14, lines 34-35].

Referring to claim 24, Blatter et al. teach the method according to claim 19,

further comprising decrypting said encrypted digital data packets of the user-selected

PPV event, wherein said decryption is performed in a transport processor operatively

connected to said memory via said bus [figure 4, step 505, 510, and 515].

Referring to claim 25, Blatter et al. teach the method according to claim 19,

wherein said step of decoding includes utilizing said recorded time stamps to recreate the

original transmission timing of the encrypted digital data packets, only when the user

selects a recorded PPV event for playback [column 7, lines 25-32].

Claim Rejections - 35 USC § 103

Claims 6-9, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Blatter et al. in view of U.S. Patent No. 6,233,389 to Barton et al. (prior at of record).

Referring to claim 6, Blatter et al. teach the apparatus according to claim 5,

further comprising:

• said host processor directing said memory to transfer said encrypted digital data packets to be digitally recorded by said recording device [column 12, lines 2026]. Blatter et al. do not teach the. apparatus according to claim 5, further comprising:

• a host processor operatively connected to said bus and said memory for performing graphics-user interface and browser functions,

• an interface for receiving said encrypted digital data packets from said transport processor, and for transferring said received encrypted digital data packets simultaneously to said memory via said bus, and to said decoder,

• said memory further including a buffer space for temporarily storing the encrypted digital data packets received from said interface, and

• said interface adapted to receive said digitally recorded data packets from said recording device via said memory and said bus [column 4, lines 21-22].

However, Barton et al. disclose the apparatus according to claim 5, further comprising:

• a host processor operatively connected to said bus and said memory for performing graphics-user interface and browser functions [column 4, line 6],

• an interface [Media Switch] for receiving said encrypted digital data packets from said transport processor, and for transferring said received encrypted digital data packets simultaneously to said memory via said bus, and to said decoder [column 3, line 67- column 4, line 2],

• said memory further including a buffer space for temporarily storing the encrypted digital data packets received from said interface [column 3, lines 6566], and

• said interface adapted to receive said digitally recorded data packets from said

recording device via said memory and said bus [column 4, lines 21-22].

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply Barton et al.'s teaching of an interface and a graphics-user

interface to the system and method of Blatter et al, such that Blatter et al.'s system would

include a Media Switch module 102, figure 1 of Barton et al. within the TRANSPORT

SYSTEM 25 and would display an on-screen display for searching a program. One would

have been motivated to modify Blatter et al.'s system as such in order to provide for my

ease and flexibility of program viewing.

Referring to claim 7, Blatter et al. as modified teach the apparatus according to

claim 6, said interface being further adapted to transfer said digitally recorded data

packets to said decoder [figure 7, MPEG decoder 715 and audio decoder 717 of Barton et

al.].

Referring to claim 8, Blatter et al. as modified teach the apparatus according to

claim 6, wherein said host processor searches a program guide to find upcoming PPV

events, and, when said PPV event begins, the apparatus tunes to an appropriate

transponder to begin receiving the encrypted digital data packets [column 3, lines 23-26

of Barton et al.].

Referring to claim 9, Blatter et al. as modified teach the apparatus according to

claim 8, wherein the digital data packets include packetized audiovisual data [figure 3 of

Barton et al.], system time data [PCRRS (column 7, lines 16-19)] and conditional access

data [CAT (column 8, lines 35-37)].

Referring to claim 22, Blatter et al. teach all limitations of claim 22 except the

method wherein said searching includes searching a program guide to find upcoming

PPV events, and, when said PPV event begins, the DVR system tunes to an appropriate

transponder to begin receiving the encrypted digital data packets.

However, Barton et al. disclose the method wherein said searching includes

searching a program guide to find upcoming PPV events, and, when said PPV event

begins, the DVR system tunes to an ;appropriate transponder to begin receiving the

encrypted digital data packets [column 3, lines 23-26].

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply Barton et al.'s teaching of a graphics-user interface and the

ability search using the GUI to the system and method of Blatter et al, such that Blatter et

al.'s controller 115 of figure 1 would display a searchable on-screen display for

searching a program. One would have been motivated to modify Blatter et al.'s system as

such in order to provide for my ease and flexibility of program viewing.

Referring to claim 23, Blatter et al. as modified teach the method according to claim 22,

wherein said searching is performed by a host processor in the DVR system [column 4,

lines 3-9 of Barton et al.].

Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Blatter et al. in view of U.S. Patent No. 5,850,218 to LaJoie et al (prior art of record).

Referring to claim 26, Blatter et al. teach a set-top box (STB) for performing

background caching of encrypted programming for later playback, comprising:

• storing means for caching the received encrypted data packets for later playback

[column 3, lines 38-39]; and

• retrieval means for retrieving said data packets for display [figure 1, STORAGE

DEVICE 90 and column 3, line 39-41],

• wherein the searching means searches and said storing means caches data

packets of said at least one PFIV event <u>without user intervention</u> [see col. 4, lines 47-67,

col. 1, lines 53-63, col. 4, lines 25-43, Blatter et al.'s user can program the receiver to

receive and store a program for viewing at a later time, thus not intervening the searching

and caching of data packets, thus Blatter does teach the functions of searching and

caching performed by a PPV without user intervention] when the STB is in a

power-down mode [figure 2, Step 210], and plays back a recorded PPV event when the

STB is in a power-up mode [column 13, lines 5-9]. Blatter et al. do not teach a set-top

box (STB) comprising:

• searching means for searching a program guide to find upcoming pay-per-view

(PPV) events received as encrypted data packets.

However, LaJoie et al. disclose a set-top box (STB) comprising:

• searching means for searching a program guide to find upcoming pay-per-view

(PPV) events received as encrypted data packets [figure 13].

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply LaJoie et al.'s teaching of a searching means for searching a

program guide to the system and method of Blatter et al., such that Blatter et al.'s system

would display an on-screen display for searching a program guide. One would have been

motivated to modify Blatter et al.'s system as such in order to allow the user to easily

search an on-screen program guide.

Referring to claim 27, Blatter et al. as modified teach the STB of claim 26, wherein said searching means and said storing means repeat searching and recording for a plurality of PPV events, said recorded plurality of PPV events being stored on an external storage medium for later playback [column 3, line 26].

Referring to claim 28, Blatter et al. as modified teach the STB of claim 26,

- wherein said encrypted digital data packets are time-stamped upon reception [column 7, lines 19-23], and

- wherein said retrieval means decrypts said encrypted digital data packets, uses the recorded time stamps to recreate the original transmission timing data of the data packets, and decodes the decrypted digital data packets for display on a display device [column 7, lines 25-32].

Referring to claim 29, Blatter et al. as modified teach the STB of claim 26, wherein a user only pays for those cached PPV events that are selected for playback in the power-up mode [column 14, lines. 34-35].

Conclusion

As per Applicant arguments relating to Blatter et al's reference stating "Blatter et al. disclose a system requiring a user to select the program that the user wishes to store.", the Examiner responds that although Blatter et al.'s syetem requires selection of the desired programs by user, but selecting the programs based on the user intervention is different from searching and caching the selected programs. That is, selected programs, in Blatter et al., are searched and cached (specified by PID in the header) without user intervention , see col. 4, lines 47-67, col. 1, lines 53-63, col. 4, lines 25-43. By reviewing

the specification, the Examiner acknowledges caching all PPV events (i.e. no selection of

particular events by user) which may be distinguishable over cited arts of record.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Taghi T. Arani whose telephone number is (703)305-

4274. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

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more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Taghi T. Arani, Ph.D.
Examiner
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